TO:

Chief Administrator

FROM:

Inv. Darren Bowens, #124

SUBJECT:

LOG# 1061822/U#13-15

OFFICER

INVOLVED #1:

Roth, Robert, Star# 12916, Unit 011, male white, Employee#

DOB: _______, DOA: 30 SEPTEMBER 2002, on-duty,

working in uniform, working Beat 1115R.

OFFICER #1

Glock, Semi-Automatic, Model 21, .45 cal., 4 inch barrel, serial

#

WEAPON:

OFFICER #1

INJURIES:

None reported.

SUBJECT:

black male, DOB: 1
. Central Park Avenue.

SUBJECT

WEAPON:

12 gauge blue steel "sawed-off" pump style shotgun, make and

model unknown, serial #

SUBJECT

INJURIES:

Gunshot wounds to the left forearm and elbow.

INITIAL

INCIDENT:

PO Roth and his partner (PO Paul Powers, #12253), responded to a

call of a man with a gun.

DATE/TIME

OF INCIDENT:

28 APRIL 2013 at approximately 0428 hours

LOCATION:

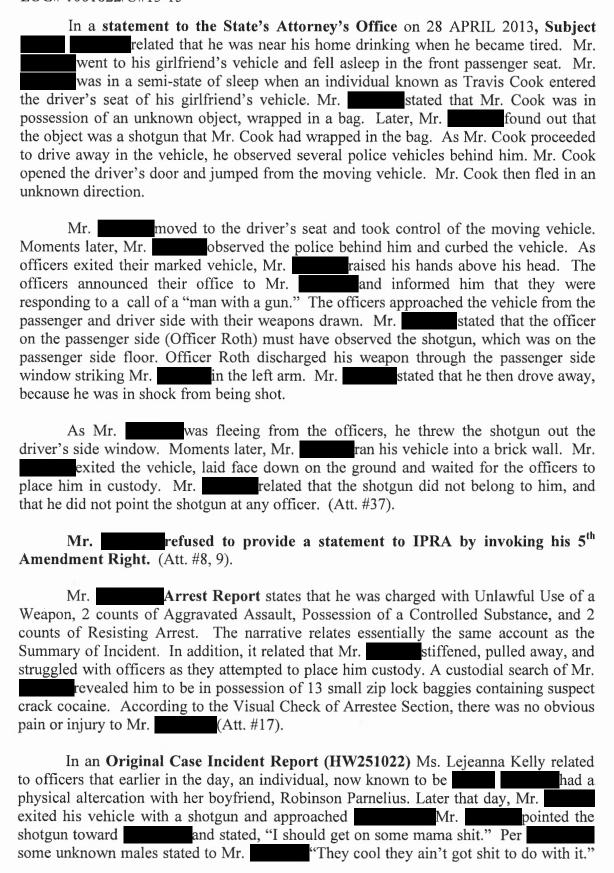
741 N. Central Park Avenue

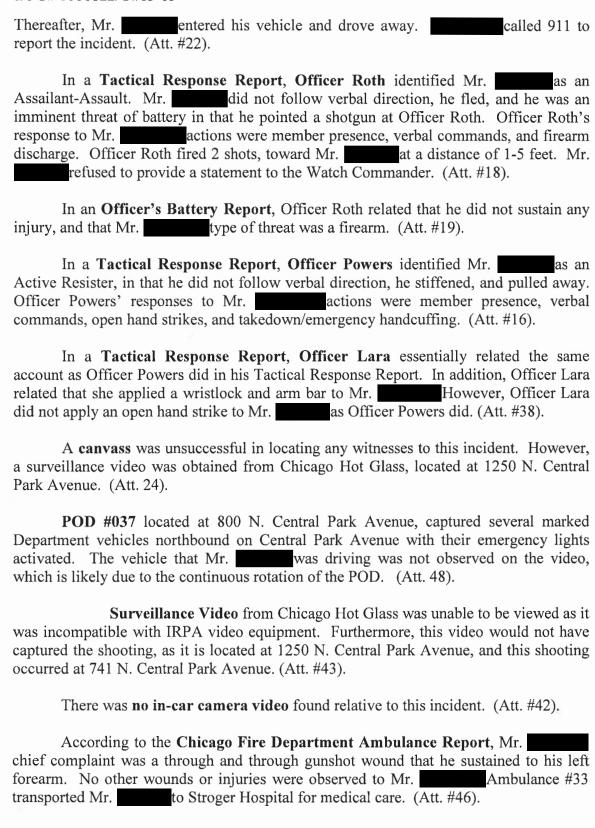
BEAT:

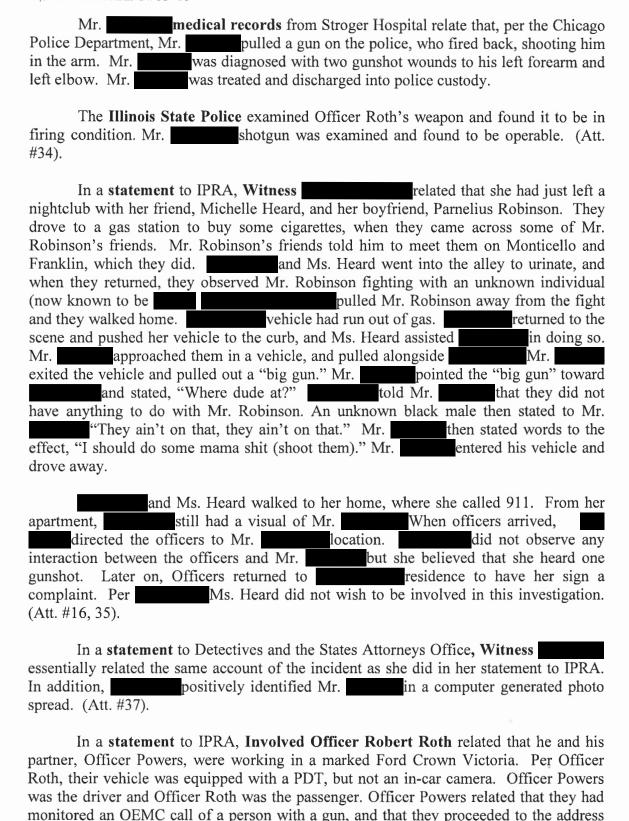
1121

SUMMARY OF INCIDENT:

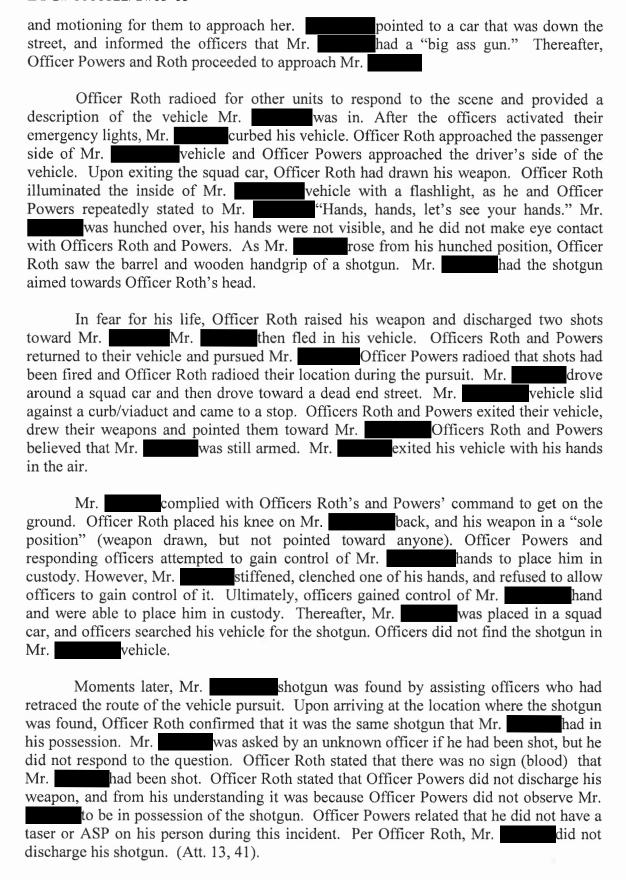
Officers Roth and Powers were responding to a call of a man with a gun in the vicinity of 3600 W. Franklin Street. A female (now known to be down the officers and informed them that a man (now known to be pointed a "big gun" at her. pointed to the vehicle that Mr. was in. The officers approached Mr. with their emergency lights activated, at which time Mr. curbed his vehicle. Officer Roth approached the passenger side of Mr. vehicle and Officer Powers approached the driver's side of the vehicle. Mr. was seated alone in the vehicle, behind the steering wheel in a crouched position. Officer Powers ordered Mr. to shows his hands. As Mr. shifted from his crouched position, Officer Roth observed Mr. pointing a shotgun in his direction. Officer Roth discharged two rounds toward Mr. who then fled in his vehicle.
After a short vehicle pursuit, Mr. was placed in custody.
INVESTIGATION:
In a statement to Detectives on 28 APRIL 2013, Subject that a party from another block had carried onto his block. Mr. exited his residence and asked a group of individuals to be quiet. In the process of speaking to the group of individuals, Mr. heard gunshots. Mr. then entered a blue vehicle being driven by a Travis Cook. As they were driving, Mr. and Mr. Cook observed several police vehicles in the area. Suddenly, Mr. Cook jumped from the moving vehicle.
Mr. slid over to the driver's seat and took control of the vehicle. Moments later, Mr. was stopped by uniformed officers (now known to be Officers Roth and Powers) in a marked vehicle. The officers approached the vehicle from the driver and passenger side. Mr. raised his hands above his head to show the officers that he was being compliant. Mr. related that the officer (Officer Roth) on the passenger side of the vehicle then shot him in his arm. Thereafter, Mr. stated that he "took off" (fled in the vehicle) to avoid being shot again.
Mr. stated that he drove several blocks before he stopped and exited the vehicle. Mr. surrendered to the officers by raising his hands above his head. When it was related to Mr. that Officer Roth shot him because he pointed a shotgun toward him, he responded, "if there was a shotgun inside the vehicle, it was there before he entered the vehicle." Mr. stated that the shotgun belonged to Mr. Cook. Mr. was informed that he had did not observe or touch a shotgun. When Mr. was informed that the officer's vehicle was equipped with in-car camera and that it captured him throwing the shotgun from the vehicle, Mr. admitted to throwing a shotgun from the driver's side window of the vehicle. Mr. related that the shotgun was on the floor of the vehicle, and that as he reached to grab the shotgun to throw it out the window he was shot. (Att. #37).







of incident. As they arrived in the vicinity of incident, Officers Powers and Roth observed a black female (now known to be waving her hands, shouting.



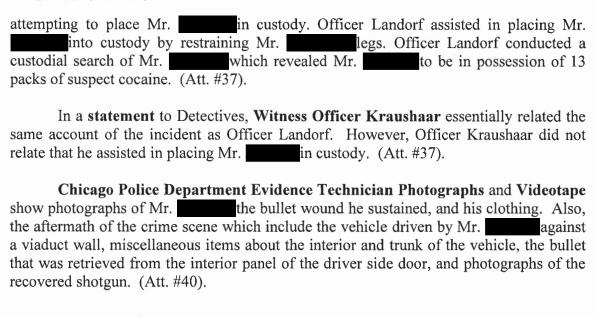
In a statement to IPRA, Witness Officer Paul Powers essentially related the same account of the incident as Officer Roth. In addition, Officer Powers related that he drew his weapon upon initially exiting the squad car, and due to the nature of the call. Officer Powers stated that he had his gun directed toward Mr. vehicle. Officer vehicle than he was, and Powers related that Officer Roth was closer to Mr. that Officer Roth discharged two consecutive rounds towards Mr. moved about in his vehicle. Upon returning to their squad car to pursue Mr. Officer Roth informed Officer Powers that Mr. had a shotgun. Officer Powers stated that as he attempted to place Mr. in custody, he performed a hand strike to face. Officer Powers stated that Mr. resisted by stiffening and pulling his arm away to avoid being handcuffed. Officer Powers stated that he did not discharge his weapon because from his viewpoint, he did not see/know that Mr. was in possession of a shotgun. Upon returning to the district station, Officer Powers related that he and Officer Roth learned that Mr. sustained a gunshot wound to his left forearm. Officer Powers related that Mr. never informed him or Officer Roth that he was shot. (Att. 11, 39).

In the **Original Case Incident Report (HW250994)** Officers Roth and Powers essentially related the same account of the incident to Detectives as they related in their statement to IPRA. (Att. #37).

In a statement to Detectives, Witness Officer Carlos Delgado, #2814, Unit 011, Beat 1111R, related that he was working 1st Watch with Officer Abraham Lara, #19429. Officer Delgado stated that he and his partner responded to a call of a "man with a gun." As they responded to the address of incident, they came across who was standing on a corner yelling, "His bitch ass is down there!" was pointing northbound where a Department vehicle had it's emergency lights activated and Mr. vehicle curbed. Officer Delgado heard two gunshots come from the direction of the vehicles, and immediately heard Beat 1115R (Officer Roth and Powers) state over the radio "shots fired." Beat 1115R then radioed that they were in a vehicle pursuit. Officer Delgado engaged in the pursuit to assist Beat 1115R. After a short pursuit Officer Delgado observed Mr. vehicle stopped on the sidewalk. Mr. was lying on the ground as Officers Powers and Roth attempted to place him in custody. Officer Delgado assisted in placing Mr. in custody. (Att. #37).

In a **statement** to Detectives, **Witness Officer Lara** essentially related the same account of the incident as Officer Delgado. In addition, Officer Lara related that Mr. was "flailing his arms wildly" to defeat being handcuffed. Officer Lara applied a wrist lock and arm bar technique to Mr. to get him to comply. (Att. #37).

In a **statement** to Detectives, **Witness Officer Eric Landorf**, #10816, Unit 011, Beat 1113R, related that he was working 1st Watch with Officer Jeffrey Kraushaar, #14833. Officer Landorf related that he and his partner responded to a call of a "man with a gun." As Officer Landorf and his partner responded to the scene they heard Beat 1115R via radio state, "shots fired." Via radio, Officer Landorf monitored the vehicle pursuit by Beat 1115R. Upon arriving at the scene, Officer Landorf observed Beat 1115R

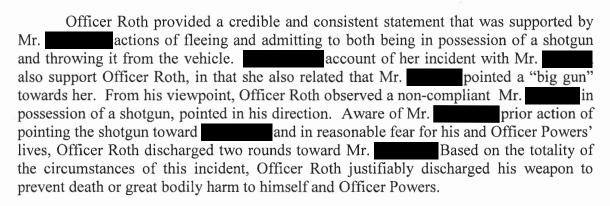


CONCLUSION AND FINDING:

This investigation revealed that the use of deadly force by Officer Roth was in compliance with the Chicago Police Department Policy pertaining to the use of Deadly Force. According to the Chicago Police Department's General Order 02-08-03, III:

- A. "A sworn member is justified in using force likely to cause death or great bodily harm *only* when he or she reasonably believes that such force is necessary:
- 1. to prevent death or great bodily harm to the sworn member or to another person, or:
- 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

The actions of Officer Roth were in accordance with sections A(1) and A(2) of the Chicago Police Department's Deadly Force policy. Mr. denied that he pointed the shotgun toward or in Officers Roth's direction. However, Mr. provided two conflicting accounts of this incident to the Detectives and the States Attorney's Office. After initially denying that he was in possession of a shotgun, Mr. eventually admitted to having a shotgun and throwing the shotgun from the vehicle.



SIGNATURES ONLY

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Inv. Darren Bowens, #124

IPRA Supervisor